

# **Exhibit “2”**

Page 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
McALLEN DIVISION

FILIBERTO J. GARZA MORENO    )(  
Plaintiff                    )(  
  )(  
VS.                            )( CIVIL ACTION NO.  
  )( 7:21-cv-00247

ALLEGiant TRAVEL COMPANY,    )(  
ALLEGiant AIR LLC, AND        )(  
AIRPORT TERMINAL SERVICES,   )(  
INC.                                )(  
Defendants                        )(

ORAL DEPOSITION OF  
FILIBERTO J. GARZA MORENO  
FEBRUARY 18, 2022

ORAL DEPOSITION OF FILIBERTO J. GARZA MORENO,  
produced as a witness at the instance of the Defendant  
Airport Terminal Services, Inc., taken in the  
above-styled and numbered cause on FEBRUARY 18, 2022,  
between the hours of 12:04 p.m. and 3:47 p.m., reported  
stenographically by DONNA McCOWN, Certified Court  
Reporter No. 6625, in and for the State of Texas, at  
Bryant & Stingley, Inc., 2010 East Harrison Avenue,  
Harlingen, Texas, pursuant to the Federal Rules of  
Civil Procedure and any provisions stated on the  
record or attached therein.

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Attached to the end of the transcript: Stipulations

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FILIBERTO J. GARZA MORENO,  
having been duly sworn, testified as follows:  
EXAMINATION  
BY MR. JOHNSON:  
12:04 Q. Can you please state your full name for the  
12:04 record.  
12:04 A. Filiberto Garza Moreno.  
12:04 Q. Okay. Mr. Garza, my name is David Johnson.  
12:04 I'm an attorney representing ATS in a lawsuit that  
12:04 you've brought against both ATS and Allegiant.  
12:04 Do you understand who I am and who I  
12:04 represent?  
12:04 A. Yes, sir.  
12:04 Q. Okay. I'm going to be asking you some  
12:04 questions today. If at any point you want to take a  
12:04 break, please tell me, and we can take a break. No  
12:04 questions asked. Okay?  
12:04 A. Yes, sir.  
12:04 Q. If at any point you don't understand a question  
12:04 I ask you, please ask me to rephrase or repeat it, and  
12:04 I will.  
12:04 A. Yes, sir.  
12:04 Q. Is this the first time you've ever given a  
12:04 deposition?  
12:04 A. Yes, sir.

1 (Pages 1 to 4)

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<p>12:04 1 Q. Okay. What's your current address?</p> <p>12:04 2 A. 4674 Main Avenue, Brownsville, Texas 78521.</p> <p>12:04 3 Q. How long have you lived at that address in</p> <p>12:05 4 Brownsville?</p> <p>12:05 5 A. For about 30-some years, 35 years.</p> <p>12:05 6 Q. What's your date of birth, sir?</p> <p>12:05 7 A. November 23, 1981.</p> <p>12:05 8 Q. And what's your Social Security number?</p> <p>12:05 9 A. 571-87-7142.</p> <p>12:05 10 Q. You mentioned that you've lived at this address</p> <p>12:05 11 for 35 years. Who do you live with at the address?</p> <p>12:05 12 A. My parents, mom and dad.</p> <p>12:05 13 Q. Other than your mother and your father, does</p> <p>12:05 14 anybody else live at that address?</p> <p>12:05 15 A. Currently, my brother is living there upstairs.</p> <p>12:05 16 It's like a duplex. He lives upstairs.</p> <p>12:05 17 Q. And when you say your brother, you're referring</p> <p>12:05 18 to Aaron?</p> <p>12:05 19 A. Aaron Garza, correct.</p> <p>12:05 20 Q. It's my understanding you have another brother</p> <p>12:05 21 as well?</p> <p>12:05 22 A. Alex Garza, correct.</p> <p>12:05 23 Q. And has Alex ever lived in the same house with</p> <p>12:06 24 you since this accident occurred back in --</p> <p>12:06 25 A. No, sir.</p>	<p>12:07 1 Q. Where did you go to school?</p> <p>12:07 2 A. I went to elementary in Buttonwillow,</p> <p>12:07 3 California and middle school in Perkins here in</p> <p>12:07 4 Brownsville and high school and college and university</p> <p>12:07 5 in Brownsville.</p> <p>12:07 6 Q. Okay. What year did you graduate from high</p> <p>12:07 7 school?</p> <p>12:07 8 A. High school was in 1999.</p> <p>12:07 9 Q. And after graduating from high school, you</p> <p>12:07 10 mentioned college. Where did you go to college?</p> <p>12:07 11 A. I went for a semester at U of H, Houston. Then</p> <p>12:07 12 came back and went to UTRGV, then took a long break and</p> <p>12:07 13 finished after my accident. In 2015 is when I went</p> <p>12:07 14 back and finished.</p> <p>12:07 15 Q. So let me kind of break that down if you</p> <p>12:08 16 wouldn't mind.</p> <p>12:08 17 You graduated from high school in '99.</p> <p>12:08 18 Did you immediately go to U of H?</p> <p>12:08 19 A. Yes, sir.</p> <p>12:08 20 Q. You said you spent a semester there. Why did</p> <p>12:08 21 you move back?</p> <p>12:08 22 A. It wasn't for me. I didn't like it.</p> <p>12:08 23 Q. Okay. When you moved back into the -- the</p> <p>12:08 24 Valley, did you start at UTRGV at that point?</p> <p>12:08 25 A. Correct.</p>
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<p>12:06 1 Q. And when I say "the accident," I'm talking in</p> <p>12:06 2 2007 when you had a motorcycle accident.</p> <p>12:06 3 A. No, sir.</p> <p>12:06 4 MR. CISNEROS: Let him finish. Okay?</p> <p>12:06 5 Q. One -- one rule that I forgot to tell you early</p> <p>12:06 6 on, and we were horrible at it with your brother's</p> <p>12:06 7 deposition, but if you could do me a favor and wait</p> <p>12:06 8 until I finish a question before answering --</p> <p>12:06 9 A. Most definitely.</p> <p>12:06 10 Q. -- it will help her out tremendously, and I</p> <p>12:06 11 will try to do the same with your answers.</p> <p>12:06 12 Also, because there's a written transcript</p> <p>12:06 13 being taken of your testimony, if you can make sure to</p> <p>12:06 14 answer questions verbally as opposed to head nods or</p> <p>12:06 15 "uh-huhs" or "huh-uhs." Okay?</p> <p>12:06 16 A. Yes, sir.</p> <p>12:06 17 Q. Where were you born?</p> <p>12:06 18 A. I was born in Matamoros, Mexico.</p> <p>12:06 19 Q. And when did you come over from Matamoros?</p> <p>12:06 20 A. Immediately.</p> <p>12:06 21 Q. And so you spent your entire life in the United</p> <p>12:06 22 States?</p> <p>12:06 23 A. Yes, sir.</p> <p>12:06 24 Q. Are you a U.S. citizen?</p> <p>12:07 25 A. I'm a U.S. resident, permanent resident.</p>	<p>12:08 1 Q. And how long did you go to school at UTRGV</p> <p>12:08 2 during that period?</p> <p>12:08 3 A. For a year.</p> <p>12:08 4 Q. And what was your major?</p> <p>12:08 5 A. I was undecided at the time.</p> <p>12:08 6 Q. Did you complete your education at UTRGV during</p> <p>12:08 7 that time?</p> <p>12:08 8 A. No, sir.</p> <p>12:08 9 Q. Okay. At what year did you cease going to</p> <p>12:08 10 school at UTRGV during this time period?</p> <p>12:08 11 A. When I came back, it was 2000 is when I stopped</p> <p>12:08 12 going.</p> <p>12:08 13 Q. Okay.</p> <p>12:08 14 A. When I came back again after my accident was</p> <p>12:09 15 back in 2000 -- I started in 2010 and finished in 2015.</p> <p>12:09 16 Q. Okay. During that time period between 2000 and</p> <p>12:09 17 2007, were you employed?</p> <p>12:09 18 A. Yes, sir.</p> <p>12:09 19 Q. Okay. After stopping your studies at UTRGV,</p> <p>12:09 20 where were you employed first?</p> <p>12:09 21 A. My first employment was working at Greyhound,</p> <p>12:09 22 the bus stop -- the bus station. I'm sorry.</p> <p>12:09 23 Q. Okay. Here in -- in --</p> <p>12:09 24 A. Brownsville, correct.</p> <p>12:09 25 Q. Okay. And how long did you work at Greyhound?</p>

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15:06 1 A. I don't recall. I want to say Anglo, but I --  
 15:06 2 I know she had, like, blondish hair.  
 15:06 3 Q. Well, we know she had a walkie-talkie.  
 15:07 4 A. We know she had a walkie-talkie, yes.  
 15:07 5 Q. Okay. As it relates to your discussion about  
 15:07 6 not wanting to be manhandled, you had that discussion  
 15:07 7 with her; is that right?  
 15:07 8 A. Yes. Her and both the -- anybody that asked me  
 15:07 9 that wanted. I don't remember. I think it was the --  
 15:07 10 it was her and the other -- the gentlemen that were  
 15:07 11 wanting to load me.  
 15:07 12 Q. Okay.  
 15:07 13 A. That was one of their, you know, questions.  
 15:07 14 And I -- I just said it out loud to everybody, that  
 15:07 15 that was out of the question for me to be manhandled  
 15:07 16 like that in that way.  
 15:07 17 Q. You didn't want four people picking you up and  
 15:07 18 putting you down. You wanted to be picked up with  
 15:07 19 the --  
 15:07 20 A. Something, yeah.  
 15:07 21 Q. -- the sling?  
 15:07 22 A. Yeah. With, you know, something -- I mean,  
 15:07 23 there's different ways. You know, people -- they train  
 15:07 24 people how to -- you know, they trained my brother.  
 15:07 25 You know, they train people on how to do certain

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15:09 1 inside. So the one that was pushing was the lady with  
 15:09 2 the walkie-talkie.  
 15:09 3 Q. Okay. The lady with the walkie-talkie pushed  
 15:09 4 you?  
 15:09 5 A. Yeah. She was the one that was guiding, and my  
 15:09 6 family was behind. And once we got into the -- that  
 15:09 7 hallway, whatever, to load, the -- what is it? The --  
 15:09 8 Q. The ramp way or the jet bridge?  
 15:09 9 A. Yeah, the bridge. Once we were at the end,  
 15:09 10 that's when they were figuring out how to get me in  
 15:09 11 there. And that's when they called backup or those two  
 15:10 12 gentlemen come and help.  
 15:10 13 Q. Okay. How did the chair get into the airplane,  
 15:10 14 the aisle chair?  
 15:10 15 A. They pushed me.  
 15:10 16 Q. Okay. Where were the flight attendants, if you  
 15:10 17 recall?  
 15:10 18 A. They were out -- I mean, most of us were  
 15:10 19 outside trying to figure out a plan. So she was in and  
 15:10 20 out. It was a lady that was in and out.  
 15:10 21 Q. Okay. Do you recall ever seeing the pilots?  
 15:10 22 A. He came out once, yes. He came out and also  
 15:10 23 tried to figure it out, you know, what was going on.  
 15:10 24 And he wasn't -- he wasn't much help.  
 15:10 25 Q. Okay. Pilot wasn't really involved?

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15:08 1 things, you know, but I thought maybe somebody --  
 15:08 2 that's why I asked them if they had been trained before  
 15:08 3 and if they had any ways of -- of transporting me, and  
 15:08 4 they said no.  
 15:08 5 Q. They hadn't been trained to use your Hoyer  
 15:08 6 lift. Is that what you're saying?  
 15:08 7 A. Or you just practice on how to, you know, move  
 15:08 8 somebody from -- from a -- like from a wheelchair.  
 15:08 9 That was my concern. You know, and that's when they  
 15:08 10 said that, no, that they -- they only loaded the  
 15:08 11 baggage, that that's what their job was.  
 15:08 12 Q. Okay. From -- after being loaded onto the  
 15:08 13 aisle chair, you were taken down the -- the ramp  
 15:08 14 towards the aircraft; is that right?  
 15:08 15 A. After -- I'm sorry. Can you repeat?  
 15:08 16 Q. You were loaded -- you were loaded on the aisle  
 15:09 17 chair --  
 15:09 18 A. Uh-huh.  
 15:09 19 Q. -- and then you were taken down the -- the  
 15:09 20 gangway or the ramp to the aircraft; is that correct?  
 15:09 21 A. Correct.  
 15:09 22 Q. And you were pushed by one of the two men, and  
 15:09 23 then your aisle -- the aisle chair was put into the  
 15:09 24 aircraft; is that true?  
 15:09 25 A. The men didn't get there until once I was

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15:10 1 A. No.  
 15:10 2 Q. Okay. As it relates to you getting into the  
 15:11 3 chair, the seat, I got your records here, and the  
 15:11 4 records indicate you were originally in seat 4 -- 4A;  
 15:11 5 is that correct?  
 15:11 6 A. Yeah. They had to switch me, because when I  
 15:11 7 was booking the flight, I guess somebody had already  
 15:11 8 picked those -- those -- they were already picked. So  
 15:11 9 when I called, they said, well, just pick anything, and  
 15:11 10 then when you're there, they'll -- they'll arrange the  
 15:11 11 seating, so...  
 15:11 12 Q. Okay. Did you want to be in 3A, the front row?  
 15:11 13 A. No. That's where they told me I had to be in  
 15:11 14 one of those seats.  
 15:11 15 Q. Who told you you had to be in 3A?  
 15:11 16 A. Well, the stewardess. Is that what they call  
 15:12 17 them? The --  
 15:12 18 Q. Flight attendant?  
 15:12 19 A. Yes, yeah.  
 15:12 20 Q. Okay. You're saying that she told you you had  
 15:12 21 to be in 3A?  
 15:12 22 A. Well, I mean, they -- they said that that would  
 15:12 23 be the -- she's, like, "This is going to be the only  
 15:12 24 chair where it make sense for him to sit." So she -- I  
 15:12 25 guess whoever was originally going to be there, she

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15:12 1 spoke to them and made accommodations for them and gave  
 15:12 2 them free drinks and everything, and the guy was cool  
 15:12 3 with it. So she made all the -- she made -- yeah, she  
 15:12 4 made all those arrangements with him.  
 15:12 5 Q. I get it. She -- she made 3A available for  
 15:12 6 you. Is that the place you wanted to sit?  
 15:12 7 A. Well, I just -- no. I mean, I didn't pick it.  
 15:12 8 I mean, it was --  
 15:12 9 Q. Did you want to sit next to a relative?  
 15:12 10 A. I asked, yeah, my mom, because -- since I  
 15:12 11 needed -- I can't drink for myself. So I needed  
 15:12 12 somebody to -- that -- to be with me.  
 15:13 13 Q. And that was the problem. You were in 4A and  
 15:13 14 your mom was in 5 and you weren't together and you  
 15:13 15 wanted to be together; is that correct?  
 15:13 16 A. No, that wasn't a problem. I don't matter  
 15:13 17 where, but my thing is I needed somebody to be with me,  
 15:13 18 you know.  
 15:13 19 Q. I'm sorry. That's what I was trying to say.  
 15:13 20 I'm not trying to put words in your mouth, but you  
 15:13 21 wanted somebody next to you?  
 15:13 22 A. Yeah. Like I said, I didn't care where. I  
 15:13 23 just -- yeah, I needed somebody to be with me. And  
 15:13 24 like I said, when I called, I asked, because I remember  
 15:13 25 they told me -- I mean, from the previous before that,

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15:13 1 I had to be up front in one of those chairs, but when  
 15:13 2 I -- when you book the flights, that one was already --  
 15:13 3 they were already booked.  
 15:13 4 Q. Can I go around and stand next to you?  
 15:14 5 A. Yes, sir.  
 15:14 6 Q. I want to show you what I marked as Exhibit  
 15:14 7 No. 6, and I will represent to you this is --  
 15:14 8 A. Move it a little bit.  
 15:14 9 Q. Sure. Can you see it?  
 15:14 10 A. Okay.  
 15:14 11 Q. This is some of the information regarding your  
 15:14 12 ticket originally, and you did that online; is that  
 15:15 13 right?  
 15:15 14 A. Yes, sir.  
 15:15 15 Q. Okay. And if you look at the second page of  
 15:15 16 this document, this shows your flight on June 13th,  
 15:15 17 which was a Thursday, and this is from McAllen to  
 15:15 18 McCarran, which is Las Vegas. And this shows seats  
 15:15 19 that you -- you had selected 4A and 5C; is that right?  
 15:15 20 A. Uh-huh.  
 15:15 21 Q. Yes?  
 15:15 22 A. Yes.  
 15:15 23 Q. Okay. Now, as I understand it, you picked  
 15:15 24 those seats, but you wanted to sit next to either your  
 15:15 25 mother or another family member because you can't drink

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15:15 1 by yourself?  
 15:15 2 A. Correct.  
 15:15 3 Q. And so when you got to the airport that day on  
 15:15 4 the flight, you arranged it with the flight attendant  
 15:15 5 so you could be on the same row with a family member;  
 15:16 6 is that right?  
 15:16 7 A. Correct.  
 15:16 8 Q. And they accommodated you and moved people  
 15:16 9 around so you could be together on 3A; is that right?  
 15:16 10 A. Correct.  
 15:16 11 Q. Okay. And the flight attendant did that for  
 15:16 12 you at your request; is that right?  
 15:16 13 A. Yeah.  
 15:16 14 Q. Okay. Now, we sort of described you being --  
 15:16 15 is it easier for me to stand over here?  
 15:16 16 A. Don't matter.  
 15:16 17 Q. So you can see me. I hate to be behind the  
 15:16 18 court reporter.  
 15:16 19 MR. SWAIM: Okay with you?  
 15:16 20 THE COURT REPORTER: Yeah, you're fine.  
 15:16 21 Q. When you were being put in the airplane, as I  
 15:16 22 appreciate it, they get you in the aisle chair, and  
 15:16 23 four of you -- or four of -- four people get the -- the  
 15:17 24 sling to put you into the seat; is that correct?  
 15:17 25 A. Yes, sir.

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15:17 1 Q. Your brother was on your left side in the back;  
 15:17 2 is that correct?  
 15:17 3 A. In the back?  
 15:17 4 Q. He was behind you.  
 15:17 5 A. While they were loading me?  
 15:17 6 Q. Yeah. Into the -- from the aisle chair into  
 15:17 7 the airplane.  
 15:17 8 A. Yes.  
 15:17 9 Q. There are four positions.  
 15:17 10 A. Yeah. So, yes.  
 15:17 11 Q. One person is behind you on your left arm, and  
 15:17 12 one person is behind you on your right side, and then  
 15:17 13 one person was at your left foot, and one person was at  
 15:17 14 your right foot?  
 15:17 15 A. Yes. So, yeah, my brother was over here.  
 15:17 16 Q. Okay. So your brother was behind you. There  
 15:17 17 was a man in the uniform on your right arm; is that  
 15:17 18 right?  
 15:17 19 A. Correct.  
 15:17 20 Q. Then your dad was on the left, or was he on  
 15:18 21 your right foot?  
 15:18 22 A. Right.  
 15:18 23 Q. He was on your right foot. And another man  
 15:18 24 from one of the companies was on your left foot?  
 15:18 25 A. Correct.

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15:42 1 supplies, what equipment we need. So, again, they --  
 15:42 2 they set me up with -- with the prescription for an air  
 15:43 3 mattress. So the mattress is an air mattress also by  
 15:43 4 ROHO. They set me up with a chair. This chair, it  
 15:43 5 tilts, it reclines, it elevates. So it's got four  
 15:43 6 functions and all that is -- is to relieve sores and  
 15:43 7 for me not to -- to develop them.  
 15:43 8 The bed also does that. It also tilts.  
 15:43 9 It also reclines. So it's got a lot of functions for  
 15:43 10 me to move around my sores. It has another function  
 15:43 11 where the air moves so I don't have too much pressure  
 15:43 12 on one side. That's the bed.  
 15:43 13 They -- for transporting, they -- they  
 15:43 14 showed us how to use the Hoyer, the lift, a shower  
 15:43 15 chair that's special also that also reclines and stuff.  
 15:44 16 So all this stuff that they provided was for that,  
 15:44 17 for -- for me not to get hurt, for me not to develop  
 15:44 18 sores. So since then, I haven't had a problem with --  
 15:44 19 with bedsores at all whatsoever.  
 15:44 20 Q. And -- and as a result of all of that, the  
 15:44 21 instruction and the products and the items and  
 15:44 22 teachings that were provided to you by DARS and TIRR,  
 15:44 23 in your opinion, did that help with the healing of the  
 15:44 24 wounds?  
 15:44 25 A. Oh, most definitely, yeah.

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15:44 1 Q. And have you -- have you continued using those  
 15:44 2 products and following those instructions after they  
 15:44 3 healed?  
 15:44 4 A. Most definitely, yes.  
 15:44 5 Q. What about after the incident that occurred on  
 15:44 6 the Allegiant airplane in 2019? Did you continue?  
 15:44 7 A. Continue, yeah.  
 15:44 8 We didn't change anything. Nothing  
 15:44 9 changed as far as my basic daily routine.  
 15:45 10 Q. As taught to you by TIRRs --  
 15:45 11 A. Correct.  
 15:45 12 Q. -- or TIRR and -- and DARS?  
 15:45 13 A. Yeah, TIRR. Yeah, DARS -- DARS is a supplier.  
 15:45 14 They're the ones that help me with -- with  
 15:45 15 financing and providing, and, yeah, the doctors and --  
 15:45 16 Q. DARS helps you -- helped you purchase the  
 15:45 17 wheelchair.  
 15:45 18 A. Correct, yeah.  
 15:45 19 Q. Anything else?  
 15:45 20 A. The wheelchair and the -- anything that  
 15:45 21 Medicare does not provide, they're the ones that help  
 15:45 22 me out.  
 15:45 23 Q. So none of that has helped heal the wounds that  
 15:45 24 came about after the --  
 15:45 25 A. No, sir.

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15:45 1 Q. -- the incident that happened on 2019?  
 15:45 2 A. Correct.  
 15:45 3 MR. JOHNSON: Objection, leading.  
 15:45 4 Q. Have they helped since 2019?  
 15:45 5 A. Not really. I mean, it's been the same.  
 15:45 6 Q. When you -- when you purchased the airline  
 15:45 7 tickets online, were you the one that filled out --  
 15:45 8 answered all the questions?  
 15:46 9 A. Yes.  
 15:46 10 Q. Was there a section on the website that allowed  
 15:46 11 you to notify or let Allegiant know that you were  
 15:46 12 handicapped?  
 15:46 13 A. Yes.  
 15:46 14 Q. And was there a section there that you had to  
 15:46 15 fill out describing what your handicap or your  
 15:46 16 condition was, or did you have to check something off?  
 15:46 17 A. Just check if you're handicapped.  
 15:46 18 Q. Okay.  
 15:46 19 A. And equipment -- special equipment that we  
 15:46 20 needed to transport.  
 15:46 21 Q. But Allegiant became aware of that certainly  
 15:46 22 when you got to the ticket counter, correct?  
 15:46 23 A. Yes.  
 15:46 24 MR. SWAIM: Objection, form.  
 15:46 25 Q. And when you got to -- to the gate?

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15:46 1 A. Yes, sir.  
 15:46 2 Q. You and your family were there with your --  
 15:46 3 with your equipment and your wheelchair, correct?  
 15:46 4 A. Correct.  
 15:46 5 Q. And they saw you in your wheelchair?  
 15:46 6 A. Yes, sir.  
 15:46 7 MR. CISNEROS: Okay. Pass.  
 15:46 8 EXAMINATION  
 15:46 9 BY MR. JOHNSON:  
 15:46 10 Q. Mr. Garza, just one quick point of  
 15:46 11 clarification.  
 15:46 12 For DARS, which office of DARS do you deal  
 15:47 13 with?  
 15:47 14 A. Brownsville offices.  
 15:47 15 Q. Okay. And who in the Brownsville office do you  
 15:47 16 primarily work with?  
 15:47 17 A. Like I said in the past, since I've been with  
 15:47 18 them, I think I've had, like, nine counselors, but I  
 15:47 19 want to say at the time when all this happened, Lorena.  
 15:47 20 I want to say Vega is her last name, V-E-G-A, is the  
 15:47 21 counselor I was -- I was seeing at the time.  
 15:47 22 Q. And have you received any equipment -- and when  
 15:47 23 I'm talking equipment, I'm specifically referring to  
 15:47 24 your wheelchair, your -- the Hoyer lift and Hoyer sling  
 15:47 25 and then your bed.

33 (Pages 129 to 132)

BRYANT &amp; STINGLEY, INC.

Harlingen (956) 428-0755

McAllen

Harlingen

Brownsville

McAllen (956) 618-2366

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15:47 1 Have you received any equipment from  
 15:47 2 anybody other than DARS that you use?  
 15:47 3 A. No, sir.  
 15:47 4 MR. JOHNSON: I'll pass the witness.  
 15:47 5 MR. SWAIM: We'll reserve ours.  
 15:47 6 (Deposition concluded)

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1 I, FILIBERTO J. GARZA MORENO, have read the  
 2 foregoing transcript and hereby affix my signature that  
 3 same is true and correct, except as noted above.  
 4

5  
 6 FILIBERTO J. GARZA MORENO

7 THE STATE OF TEXAS )(   
 8 COUNTY OF \_\_\_\_\_)(

9 Before me, \_\_\_\_\_,  
 10 on this day personally appeared FILIBERTO J. GARZA  
 11 MORENO, known to me (or proved to me under oath or  
 12 through \_\_\_\_\_) (description of identity card  
 13 or other document) to be the person whose name is  
 14 subscribed to the foregoing instrument and acknowledged  
 15 to me that they executed the same for the purposes and  
 16 consideration therein expressed.

17 Given under my hand and seal of office  
 18 this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

19  
 20 Notary Public in and for  
 21 The State of Texas

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1 CHANGES AND SIGNATURE  
 2 WITNESS NAME: FILIBERTO J. GARZA MORENO  
 3 DATE OF DEPOSITION: FEBRUARY 18, 2022

4 PAGE LINE CHANGE REASON

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Page 136

1 IN THE UNITED STATES DISTRICT COURT  
 2 FOR THE SOUTHERN DISTRICT OF TEXAS  
 3 McALLEN DIVISION  
 4 FILIBERTO J. GARZA MORENO )(   
 5 Plaintiff )(

6 VS. )( CIVIL ACTION NO.   
 7 )( 7:21-cv-00247  
 8 ALLEGiant TRAVEL COMPANY, )(   
 9 ALLEGiant AIR LLC, AND )(   
 10 AIRPORT TERMINAL SERVICES )(   
 11 INC. )(   
 12 Defendants )(

## REPORTER'S CERTIFICATE

13 I, DONNA McCOWN, Certified Court Reporter,  
 14 certify that the witness, FILIBERTO J. GARZA MORENO,  
 15 was duly sworn by me, and that the deposition  
 16 transcript is a true and correct record of the  
 17 testimony given by the witness on FEBRUARY 18, 2022,  
 18 and that the deposition was reported by me in  
 19 stenograph and was subsequently transcribed under my  
 20 supervision.

21 Pursuant to Federal Rule 30(e)(2), a review of  
 22 the transcript was requested.

23 I FURTHER CERTIFY that I am not a relative,  
 24 employee, attorney or counsel of any of the parties,  
 25 nor a relative or employee of such attorney or counsel,  
 nor am I financially interested in the action.

WITNESS MY HAND on this the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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Donna McCown  
 DONNA McCOWN, Texas CSR 6625  
 Expiration Date: 01-31-24  
 Bryant & Stingley, Inc., CRN No. 41  
 2010 East Harrison  
 Harlingen, Texas 78550  
 (956) 428-0755

34 (Pages 133 to 136)